

# EXHIBIT 64

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA DIVISION

APRIL PLOEGER,

Case No.

2:22-CV-02389-JHS

Plaintiff,

v.

TRUSTEES OF THE UNIVERSITY  
OF PENNSYLVANIA,

Defendants.

- - -

ZOOM DEPOSITION OF MARCUS RYAN MILLER

APRIL 7, 2025

- - -

Reported by:

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1 accommodations -- were there any changes to  
2 that process from 2015 through 2020?

3 A. Not to my knowledge.

4 Q. Do you know whether there had been  
5 any changes in the process since 2020?

6 A. No, I don't believe there's been any  
7 changes to the process.

8 Q. So let's talk about, generally, the  
9 process of obtaining accommodations.

10 What happened first?

11 A. What happens first? A student would  
12 self-identify with Student Disability Services  
13 as a person who has a disability or who may  
14 need accommodations.

15 So, during the period we're  
16 discussing, they would complete a  
17 self-identification form -- a self-I.D. form,  
18 and submit it to our office. The self-I.D.  
19 form asks about the nature of the student's  
20 disability or -- and/or medical condition, and  
21 any accommodations they believed may address  
22 any access barriers to their participation in  
23 the educational activities at the University.

24 And then after that  
25 self-identification form is received, the

1 student -- the student is instructed to  
2 schedule an initial meeting with a disability  
3 specialist at the Weingarten Center.

4 The disability specialist -- and the  
5 student also has the opportunity before that  
6 meeting, but also afterwards, or really at any  
7 point, to submit any documentation that they  
8 believe is relevant regarding their disability  
9 or medical condition.

10 And then the disability specialist  
11 engages in a -- what was -- what we call the  
12 collaborative interview. So they talk to the  
13 student about their -- the nature of their  
14 disability or medical condition, their history  
15 with that disability or medical condition, the  
16 access barriers that they may have experienced  
17 in the past, but also that they anticipate  
18 experiencing or are currently experiencing at  
19 Penn.

20 They discuss the student's history,  
21 if -- if it exists, of accommodations in prior  
22 educational settings, the impact of the  
23 disability in those settings and the impact of  
24 those accommodations. And then they may  
25 discuss -- the disability specialist may have

1 additional questions pertaining to  
2 documentation that the student submitted.

3 The disability specialist would then  
4 -- so after that initial meeting, may meet  
5 with a documentation review committee,  
6 essentially, that was -- included other  
7 disability specialists in the office.

8 So this wasn't for every  
9 accommodation request, but maybe more complex  
10 ones. They would discuss the documentation  
11 provided, the student's medical condition or  
12 disabilities, and any information that was  
13 shared by the student in the collaborative  
14 interview.

15 Then the disability specialist would  
16 make a decision about the approval or denial  
17 of accommodations and inform the student.

18 If the student is approved for  
19 accommodations, they would -- this is where  
20 the languages change a little bit. We  
21 currently call it a semester request. I think  
22 it was maybe a course roster, maybe, is how we  
23 described it before. But the function is the  
24 same.

25 So, if the student is approved for

1 accommodations, they may be -- they then have  
2 to elect, if it's an academic accommodations,  
3 if they want to apply those academic  
4 accommodations to specific courses each  
5 semester.

6 So usually this involves a follow-up  
7 meeting at the beginning of a new semester  
8 with a disability specialist. And the  
9 student, you know, if they have multiple  
10 accommodations approved, they decide which  
11 accommodations to apply to which courses, and  
12 notify the disability specialist.

13 And then the disability specialist  
14 would then send out letters to the instructors  
15 of those courses, notifying them of --  
16 notifying the instructor of -- that this  
17 student is in your course and is approved for  
18 the following academic accommodations.

19 That letter is not including  
20 information about the student's disability or  
21 underlying medical condition.

22 And there's also language in that  
23 letter stating that the student should speak  
24 with the course instructor regarding these  
25 accommodations so that the instructor can

1 support the implementation of the  
2 accommodations.

3 And then there's also language  
4 stating that if the course instructor has any  
5 questions or concerns about applying these  
6 accommodations in their course, they can  
7 follow up with Disability Services to discuss  
8 those questions or concerns.

9 And then if the student has testing  
10 accommodations, faculty course instructors can  
11 in some cases administer accommodated exams,  
12 or they may elect to have the Weingarten  
13 Center administer those exams.

14 And we work with the faculty to, you  
15 know, obtain the -- each exam in a timely  
16 manner provided to the student under the  
17 appropriate accommodations -- conditions based  
18 on their accommodations and the conditions of  
19 the exam. And then we return the completed  
20 exam to the professor following their  
21 instructor -- their instructions.

22 Q. So, anything else regarding the  
23 approval process?

24 A. Well, we describe it as an  
25 interactive process. So, the disability

1 specialist may have additional questions upon  
2 receipt of, you know, documentation. They  
3 may reach out to the student with those  
4 questions.

5 In some cases they will seek the  
6 student's permission to communicate with a  
7 medical provider, if necessary, for  
8 clarification. Or they may -- it -- it may  
9 be determined that the documentation is  
10 insufficient in supporting certain  
11 accommodations.

12 In that case, the accommodation may  
13 not be denied. But the stud- -- the -- the  
14 disability specialist may reach out to the  
15 student and say additional documentation is  
16 needed and -- and answer any questions the  
17 student may have about that process.

18 (Audio muted.)

19 THE WITNESS: We can't hear you now.

20 MS. GREENSPAN: Sorry. You were  
21 muted for most of that question. Can you  
22 repeat that, please?

23 BY MR. HARRIS:

24 Q. What is the process if an  
25 accommodation is denied?



1 roster process is not about kind of  
2 reapproving accommodation. It's just working  
3 with the -- it's the student working with the  
4 disability specialist to determine which  
5 courses to apply their accommodations.

6 Some students don't, you know, have  
7 -- you know, like our -- some students, you  
8 know, obviously -- it's -- they self-identify.  
9 So that means it's always up to a student  
10 to -- you know, if they want to work with the  
11 disability -- with Disability Services, you  
12 know, and identify as a student with a  
13 disability.

14 But if a student moves through the  
15 accommodation approval process, it remains up  
16 to the student if they want to use those  
17 accommodations.

18 Because, you know, an implicit aspect  
19 of that process is that if a student wants to  
20 apply accommodation to a -- accommodation to a  
21 specific course, then that instructor needs to  
22 be notified of those accommodations.

23 And for many different reasons the  
24 student may not want to identify -- you know,  
25 to apply accommodations to a specific course,

1 may not want a professor to be aware of those  
2 accommodations. So that's up to that -- that  
3 student.

4 Q. So when a student gets -- let's take  
5 the test-taking accommodation example.

6 A. Okay.

7 Q. In semester one, the student goes to  
8 Disability Services, goes through the process,  
9 the collaborative interview, the decision  
10 tree, et cetera, SDS approves a test-taking  
11 accommodation in the first semester. Then in  
12 the second semester, obviously, the student's  
13 going to be in some obviously different  
14 classes, and the student doesn't need any of  
15 the accommodations in the second semester, so  
16 there's no interaction with SDS.

17 A. Yes.

18 Q. The third semester comes along and  
19 the student wants to accommodate class one and  
20 three out of five classes.

21 Does the student at that point have  
22 to physically come back to Disabilities  
23 Services to activate the accommodations for  
24 class one and three?

25 MS. GREENSPAN: I'm just going to

1 place an objection to the form.

2 But you can answer.

3 THE WITNESS: So, during the -- from  
4 2015 to 2020, the -- the process was that  
5 students would come into the Weingarten Center  
6 in person to complete that course roster in  
7 the process and have a conversation with the  
8 disability specialist.

9 So, again, they're not reapproving  
10 their accommodation. But the student is  
11 notifying Disability Services if they -- you  
12 know, which courses they want to apply their  
13 accommodations to. So that was an in-person  
14 meeting.

15 BY MR. HARRIS:

16 Q. That being an in-person meeting, was  
17 that something specifically required, or was  
18 that just sort of how things happened?

19 A. I believe that was -- I would  
20 describe it as a practice of Student  
21 Disability Services, the idea being that they  
22 wanted to -- you know, the disability  
23 specialist, in addition to kind of completing  
24 this procedure to -- you know, with the  
25 semester request or course rostering, would

1       also be able to have a conversation with the  
2       student to see how their academic progress is  
3       going, if they have encountered any new  
4       challenges since they last spoke with a  
5       disability specialist, and to see if any  
6       additional support could be provided.

7               Q.     And so to the -- so when you say "a  
8       practice," in some areas of the law that has,  
9       like, a specific legal meaning.

10               So could you tell us what you mean  
11       when you say that it was a practice of the  
12       office?

13               A.     Yeah. I guess I mean that I don't --  
14       I don't know that it was written down as a  
15       requirement, which I would think of as like a  
16       policy, but that it was a way of administering  
17       the business of -- you know, administering the  
18       process that was followed by Disability  
19       Services.

20               Q.     To that end, were disability  
21       specialists permitted to conduct this  
22       follow-up interview by phone?

23               A.     I -- I don't know if -- if they would  
24       conduct that process by phone.

25               Q.     And just to be super clear, is it

1       those documents and giving some of that  
2       testimony here today?

3             A.     Yes.

4             Q.     And what she -- in that instance, in  
5       2008, did Mr. Ploeger follow the process set  
6       forth by SDS for requesting accommodations?

7             A.     To my knowledge, she did. And since  
8       the documentation reflects that she submitted  
9       documentation related to her disability, she  
10      had an initial meeting with Disability  
11      Services staff.

12            And from what I could see, she was  
13      approved for accommodations related to testing  
14      and -- yeah. So, yes.

15            Q.     Did she get those accommodations?

16            A.     As far as I can tell from the  
17      documentation, she did.

18            Q.     Now, fast forward to some of the  
19      documents and testimony from today about 2016.

20            When Ms. Ploeger refused to meet with  
21      SDS without a lawyer or legal advocate  
22      present, what happens to the interactive  
23      process at that point?

24            A.     So, the interactive process requires  
25      interaction between Disability Services and

1 the student through meeting either to discuss  
2 new documentation that's been submitted or the  
3 current impact of underlying condition or  
4 disability on the student's current semester  
5 or their ability to access campus facilities.  
6 And when this meeting doesn't occur, the  
7 process cannot continue.

8 MS. GREENSPAN: Okay. Thank you. I  
9 don't have any further questions right now.

10 MR. HARRIS: I have some follow-ups  
11 based on that.

12 E X A M I N A T I O N

13 BY MR. HARRIS:

14 Q. You said you reasonably did what you  
15 could to prepare for today's deposition.

16 What does the word "reasonably" mean  
17 to you?

18 A. To me, it means based on the  
19 documentation that is available to me, in  
20 addition to any documentation that I could  
21 obtain, and my knowledge of the context of  
22 that documentation, and making sure that I  
23 familiarized myself fully with those  
24 materials to be able to speak about them  
25 knowledgeably.

1 said that the understanding that somebody  
2 couldn't have a lawyer at SDS was based on the  
3 training that you received under Academic  
4 Integrity and Code of Student Conduct,  
5 correct?

6 A. And also my interpretation that the  
7 accommodation approval process is not a legal  
8 process. And if Disability Services has to  
9 engage in a legal process, they would refer  
10 that to the Office of General Counsel.

11 Q. Did anybody say, "Hey, Office of  
12 General Counsel, April wants to have a lawyer  
13 at her disability meeting"?

14 A. You're asking about a question  
15 someone may have asked in 2016?

16 Q. Yes.

17 MS. GREENSPAN: I'm going to object  
18 based on privilege.

19 But if you can answer, go ahead.

20 THE WITNESS: Yeah, I don't -- I'm  
21 not able to answer that question.

22 BY MR. HARRIS:

23 Q. So, to be clear, if somebody wants  
24 to bring a lawyer to their SDS meeting, SDS  
25 would at that point reach out to General